Appendix D. Kings Beach Historic
Property Survey Report,
Archaeological Survey
Report, and Historic
Resources Evaluation Report

(Note: The Archaeological Survey Report is not included for confidentiality purposes.)

OFFICE OF HISTORIC PRESERVATION DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896 SACRAMENTO, CA 94298-0001 (916) 653-6624 Fax: (916) 653-9824 calshpo@parks.ca.gov

February 14, 2007

Reply To: FHWA061207E

Jody Brown, Chief Office of Program Project Management S3 Caltrans District 3 2800 Gateway Oaks Drive Sacramento, CA 95833

Re: Determinations/Findings of Eligibility and Effect for the Proposed SR 28 Commercial Core Improvement Project, Kings Beach, CA

Dear Ms. Brown:

Thank you for consulting with me about the subject undertaking in accordance with the Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA).

Caltrans is requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, in its determination that the 57 properties listed on pages 5 and 6 of the Historic Properties Survey Report for the above project are not eligible for the National Register of Historic Places (NRHP).

Caltrans has also determined that the six following properties are eligible for the NRHP for the reasons stated below:

- Blair Cottages eligible under criterion C as a locally exceptional representative of a motor court design that makes use of Mountain Rustic Stylistic elements.
- Fuhrmann Houses eligible under criterion C as a locally significant representative of a vacation home design that reflects the Mountain Rustic ethic.
- Blue Lagoon Café eligible under criterion C as a locally significant representative of a late 19th century, utilitarian commercial design that illustrated how amenable the style was to Mountain Rustic adaptation. This building is unique in Kings Beach since all other old commercial structures have been extensively modified.
- Lanini House eligible under criterion C as a locally significant representative of a vacation home design that reflects the Mountain Rustic ethic.
- Welch Houses eligible under criterion C as a locally exceptional representative of a vacation home and outbuilding design that reflects the Mountain Rustic ethic.
- Evergreen Lodge eligible under criterion C as a locally exceptional representative of a motor court design that makes use of Mountain Rustic Stylistic elements.

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Ms. Brown February 14, 2007 Page 2 of 2

Based on review of the submitted documentation I have the following comments:

- I concur that the 57 properties listed on pages 5 and 6 of the Historic Properties Survey Report for the above project are not eligible for the NRHP.
- I concur that the following properties are eligible for the NRHP for the reasons stated above:
 - o Blair Cottages
 - o Blue Lagoon Café
 - o Welch Houses
- I disagree that the following properties are eligible for the NRHP:
 - Fuhrmann Houses These vacation homes appear to be rather common examples of their type and do not appear to be significant examples of the Mountain Rustic ethic.
 - Lanini House This house appears to lack sufficient integrity to qualify it for the NRHP. The replacement of the front window, the addition of the support beam on the front porch, and the large modern house located next door to the property all detract significantly from the building integrity.

 Evergreen Lodge – Per an e-mail from Gail St. John on January 16, 2007, the Evergreen Lodge has been demolished and the lot is now bare.

If you agree with eligibility determinations that I have proposed, please evidence your agreement by signing the signature block below. Please return the original letter to me as soon as possible.

Thank you for considering historic properties as part of your project planning. If you have any questions, please contact Natalle Lindquist of my staff at your earliest convenience at (916) 654-0631 or e-mail at nlindquist@parks.ca.gov.

Sincerely,

Sucar K Shattor for Milford Wayne Donaldson FA

Milford Wayne Donaldson, FAIA State Historic Preservation Officer

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DATE: 20 February 2007

Jody Brown

Chief, Office of Program Project Management S3

Caltrans, District 3

DEPARTMENT OF TRANSPORTATION

Office of Environmental Management 2800 Gateway Oaks Drive Sacramento, CA 95833 FAX (916) 263-5730 PHONE (916) 274-5956



30 November 2006

Mr. M. Wayne Donaldson State Historic Preservation Officer California Department of Parks and Recreation Office of Historic Preservation P.O. Box 942896 Sacramento, CA 94296-0001 File: 03-PLA-28
Commercial Core
Improvement Project, Kings
Beach, Placer County
EA: 03-OC9300

RE: Determination of Eligibility and Notification of No Historic Properties Affected for the Proposed SR 28 Commercial Core Improvement Project, Kings Beach, Placer County, California.

Dear Mr. Donaldson:

The California Department of Transportation (Caltrans), under the authority of the Federal Highway Administration (FHWA), and on behalf of Placer County is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the State Route (SR) 28 Improvement Project through Kings Beach, Placer County. This consultation is undertaken in accordance with the January 2004 Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation (PA).

Enclosed you will find a Historic Properties Survey Report (HPSR) for the proposed undertaking. The HPSR is intended to fulfill three of Caltrans' responsibilities under Section 106 of the National Historic Preservation Act: determination of the Area of Potential Effects (APE); identification of potential historic properties located within the undertaking's APE; and evaluation of potential historic properties for eligibility to the National Register of Historic Places (NRHP). Under the PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). We are consulting with you at the present time under Stipulation VIII.C.5 of the PA, which requires that we seek your concurrence on the determinations of eligibility for potential historic properties.

On behalf of FHWA, Caltrans proposes to improve a mile-long segment of SR 28 between postmiles 9.19 and 10.27, along the north shore of Lake Tahoe. Proposed improvements include: removal of existing pavement, sidewalks, and driveways, then new fill material added. The APE for the undertaking includes both existing and proposed Caltrans right-of-way, and extends to a

Mr. M. Wayne Donaldson State Historic Preservation Officer California Department of Parks and Recreation Office of Historic Preservation 30 November 2006

maximum depth of 6 inches (15.3 cm) throughout most of the corridor. A full project description and depiction of the APE can be found on page 1 and 2 and Map 3 of the HPSR.

Consultation and identification efforts for the undertaking (summarized on page 3 through 7 of the attached HPSR) resulted in the identification of 63 resources within the APE that required formal evaluations, including: historic-era buildings and structures

None of these resources have previously been evaluated for NRHP eligibility. Pursuant to Stipulation VIII.C of the PA, all resources were formally evaluated for the NRHP eligibility for the undertaking; these evaluations are documented in Attachment 2 and 3 of the HPSR.

All other resources identified within the APE were exempted from formal evaluation pursuant to Stipulation VIII.C.1 and Attachment 4 of the PA ("Properties Exempt from Evaluation"). These exempted resources included an isolated olive glass fragment and a high cut stump.

Pursuant to Stipulation VIII.C.5 of the PA, Caltrans is requesting your concurrence with the following NRHP eligibility determinations:

- The following six historic-era buildings are eligible for the NRHP under criterion C for their architectural merit: Blair's Cottages; Furhrmann Houses; Blue Lagoon Café; Lanini House; Welch Houses; and, Evergreen Lodge.
- The following 57 historic-era buildings are not eligible for listing in the NRHP: Stones County Tire, Kings Beach Library, Torres Apartments, Little Bear Cottages, La Comunidad Unida, Caesar's Motel, Habeger Houses, Anderson House, Hurtando Apartments, Benning's Resort, Jameson Houses, Henderson House, Franklyn Lee House, Lake Air Resort, Lofstead Houses, Glad-Lee Lodge, Northwood Pines Motel, Kalange Apartments, La Mexicana Meat Market, Duzevich House, Going House, C. Smith Apartments, Old Post Office, Bruening Realty, Alpine Club/Tradewinds, Brevid House, R. Barber Houses, Schneider House, S. Smith Building, Miniature Golf, S. Smith Apartments, C. Smith House, Tacos Jalisco, Miller House, Shoberg House, Blue Waters Lodge, Gifford House, Eriksson House, Rasch House, Gold Crest Motel, Crown Motel, Sun 'N Sand Motel, Mr. Video, Lakeside Gallery & Gifts, Dentraygues House, Rockwood houses, Duggan Houses, Smyly Houses, M. Smith House, Golden Group & Quality Carpet Care, Dew-Mar Cottages, Stevenson's Holliday Inn, Ta-Tel Motel, Sierra TV & Launderette, Johnson Building, Sierra Pacific Coffee, Brockway Pines Motel.

We look forward to receiving your response within 30 days of your receipt of this submittal, in accordance with Stipulation VIII.C.5.a of the PA. Based on the results of the cultural resources studies for this effort, the project design has been modified to avoid all of the resources determined eligible. Pending your concurrence regarding Caltrans' eligibility determinations, Caltrans' finding for the undertaking (pursuant to Stipulation IX.A.2) is "No Historic Properties Affected," due to the complete preservation of the six eligible properties. This letter and the attached documentation are concurrently being retained in Caltrans files (pursuant to Stipulation XVI) and distributed to FHWA

Mr. M. Wayne Donaldson State Historic Preservation Officer California Department of Parks and Recreation Office of Historic Preservation 30 November 2006

(pursuant to Stipulation VIII.C.5). If you concur with the eligibility determinations, these actions satisfy Caltrans' responsibility under Stipulation IX.A.2 of the PA, and no further review will be required. In the event that you do not concur with the determinations, further consultation will be carried out in accordance with Stipulation VII.C.5.b.

If you need any additional information, please do not hesitate to contact Gail St. John, Caltrans Architectural Historian (phone: 530-741-7116; e-mail: gstjohn@dot.ca.gov). Thank you in advance for your assistance with this undertaking.

Sincerely,

Jody Brown
Chief, Office of Program Project Management S3
Caltrans, District 3

JB/jg

Enclosure: HPSR for the SR 28 Commercial Core Improvement Project, Kings Beach, Placer County

cc: Mr. Gene Fong, FHWA Acting Division Administrator



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
August 11, 2006

IN REPLY REFER TO HDA-CA
File # Section 106 and Section 4(f) de minimis
Document # S49470

Mr. Milford Wayne Donaldson, FAIA State Historic Preservation Officer Office of Historic Preservation P. O. Box 942896 Sacramento, CA 94296-0001

Dear Mr. Donaldson:

As you may know, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment to the Section 4(f) requirements allows the U.S. Department of Transportation (DOT) to determine that certain uses of Section 4(f) land will have no adverse effect on a protected resource. When this is the case, and the responsible official(s) with jurisdiction over the resource agrees in writing, compliance with Section 4(f) is much simplified via a *de minimis* impact finding. *De minimis* impacts related to historic sites are defined in Section 6009(a) of SAFETEA-LU as the determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 of the National Historic Preservation Act (NHPA). The decision by the Federal Highway Administration (FHWA) to make a *de minimis* impact finding is therefore based on the SHPO's written concurrence in the Section 106 determination. However, the SHPO is not required to make, agree with, or comment on this *de minimis* determination. FHWA's guidance on the application of the Section 4(f) *de minimis* impact criteria issued December 13, 2005 is attached for your reference. It is also available at www.fhwa.dot.gov/hep/guidedeminimis.htm.

In accordance with the Section 106 regulations and the January 1, 2004 Section 106 Programmatic Agreement (PA), when FHWA proposes a finding of "no adverse effect," FHWA may assume the SHPO's concurrence in the finding if the SHPO has not commented in 30 days. Also under the terms of the PA, the California Department of Transportation (Caltrans) provides notification to the SHPO regarding findings of "no historic properties affected" or "no adverse effect with standard conditions." The SHPO does not concur in such findings, nor is a written response from the SHPO required when Caltrans provides such notification.

This letter is intended to inform you that when the SHPO concurs with "no adverse effect" finding, FHWA intends to make a *de minimis* impact finding if the subject property is a 4(f) property. In the event that the SHPO does not respond to FHWA's finding of "no adverse effect" within 30 days; or when Caltrans notifies the SHPO of a "no historic properties affected" or "no adverse effect with standard conditions" finding,





FHWA would likewise make a *de minimis* impact finding if the subject property is a 4(f) property. Caltrans will identify the subject property as a 4(f) property in the notification letter to the SHPO.

Please sign below as an indication of you concurrence with this prescribed procedure in light of SAFETEA-LU requirements and in accordance with the Section 106 regulations and the January 1, 2004 Section 106 PA.

For further discussion, you may contact Lisa Cathcart-Randall, Senior Transportation Specialist, at (916) 498-5048 or email at lisa.cathcart-randall@fhwa.dot.gov.

Sincerely,

/s/Lisa Cathcart-Randall

For Gene K. Fong Division Administrator

26 AUG 200 G Date

Mr. Milford Wayne Donaldson, FAIA State Historic Preservation Officer

Enclosure

"Questions and Answers on the Application of the Section 4(f) De Minimis Impact Criteria"

cc: (email)
Jay Norvell, Caltrans
Jill Hupp, Caltrans
Brett Gainer, FHWA-CADIV
Maiser Khaled, FHWA-CADIV
Lisa Cathcart-Randall, FHWA-CADIV

lcathcart-randall/lmg



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Memorandum

Date: December 13, 2005

U.S. Department of Transportation Federal Highway Administration

Sent Via E-mail

Subject: ACTION: Guidance for Determining De Minimis Impacts to Section 4(f)

Resources

From: Original Signed by:

Cynthia J. Burbank

Associate Administrator, Planning, Environment and Realty, FHWA

Brigid Hynes-Cherin, Associate Administrator

for Planning and Environment, FTA

To: FHWA Division Administrators FTA Regional Administrators

Reply to HEPE Attn of:

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49, United States Code, to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). This is the first substantive revision of Section 4(f) legislation since passage of the U.S. Department of Transportation Act of 1966. This revision provides that once the U.S. Department of Transportation (DOT) determines that a transportation use of Section 4(f) property, after consideration of any impact avoidance, minimization, and mitigation or enhancement measures, results in a *de minimis* impact on that property, an analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete.

Section 6009(c) of SAFETEA-LU requires the U.S. DOT to conduct a study and issue a report on the implementation of the new Section 4(f) provisions. The study will include evaluation of: 1) the implementation processes developed and the resulting efficiencies; 2) the post-construction effectiveness of any impact mitigation and avoidance commitments adopted as part of the projects; and 3) the number of projects determined to have *de minimis* impacts, including information on the location, size, and cost of the projects. The initial study and report will address the first three years of implementation. The Federal Highway Administration (FHWA) Division and Federal Transit Administration (FTA) Regional Offices should maintain a record of the projects for which *de minimis* findings were made and track the progress of those projects in order to facilitate the future evaluation of the post construction effectiveness of any commitments of mitigation made as part of the *de minimis* finding. Additional guidance and information regarding the study and report will be provided in the future.

For basic information regarding Section 4(f) applicability and compliance, please consult the March 1, 2005, FHWA Section 4(f) Policy Paper. This guidance will be incorporated in a future revision of the Section 4(f) Policy Paper. Although the Section 4(f) Policy Paper was developed by FHWA, FTA and other modal administrations generally follow the guidance, where appropriate and applicable to transit projects and other proposals. For additional information or assistance please contact Lamar Smith, FHWA at lamar.smith@fhwa.dot.gov or 202-366-8994; or Joseph Ossi, FTA at joseph.ossi@fta.dot.gov or 202-366-1613.

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Questions and Answers on the Application of the Section 4(f) De Minimis Impact Criteria

Introduction

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment to the Section 4(f) requirements allows the U.S. Department of Transportation (DOT) to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. When this is the case, and the responsible official(s) with jurisdiction[1] over the resource agrees in writing, compliance with Section 4(f) is greatly simplified, as explained in this guidance.

The *de minimis*[2] impact criteria and associated determination requirements specified in Section 6009(a) of SAFETEA-LU[3] are different for historic sites than for parks, recreation areas, and wildlife and waterfowl refuges. *De minimis* impacts related to historic sites are defined as the determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 of the National Historic Preservation Act (NHPA)[4] . *De minimis* impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not "adversely affect the activities, features and attributes" of the Section 4(f) resource.

The following questions and answers provide information and guidance on the process of determining *de minimis* impacts of highway and transit projects that propose the use of Section 4(f) property. A diagram of the determination process for parks, recreation areas, and wildlife and waterfowl refuges is included for illustration following the questions and answers.

1. General Information Regarding Application of the De Minimis Impact Criteria.

Question A. Are *de minimis* impact findings limited to any particular type of project or National Environmental Policy Act (NEPA) document?

Answer: No. The *de minimis* impact criteria may be applied to any project, as appropriate, regardless of the type of environmental document required by the NEPA process as described in the FHWA and FTA Environmental Impact and Related Procedures[5].

Question B. What effect does the *de minimis* impact provision have on the application of the existing FHWA nationwide programmatic evaluations?

Answer: Existing FHWA programmatic Section 4(f) evaluations [6] remain in effect and may be applied, as appropriate, to the use of Section 4(f) property by a highway project. However, since FTA does not have its own or share FHWA's programmatic evaluations, the programmatic option applies only to FHWA projects and to multimodal projects in which FHWA and FTA are co-lead agencies.

Question C. Is it appropriate to apply the *de minimis* impact criteria to projects that are already in the project development process?

Answer: Yes. The Section 4(f) statutory amendment was effective immediately upon enactment of SAFETEA-LU and the *de minimis* impact criteria may be applied to projects currently in the project development process, where the requirements of a *de minimis* impact finding have been or will be satisfied. The decision to apply the *de minimis* impact criteria to those projects is a matter of agency choice and professional judgment. The factors that should be considered in decisions to apply the *de minimis* impact criteria to projects in the "pipeline" include, but are not limited to: 1) the stage of the NEPA or project development process the project is in; 2) the benefits to the project delivery schedule realized by applying the *de minimis* impact criteria; 3) the impact to the project delivery schedule due to other agency (e.g., SHPO and/or THPO and park authorities) or public concern; 4) the overall benefit to the project realized by the reevaluation of a more viable alternative through a *de minimis* impact finding; 5) the degree and type of controversy and/or public scrutiny related to the project; and 6) the resulting benefits realized to a Section 4(f) resource by the *de minimis* impact finding.

While the *de minimis* impact criteria may be applied to any project meeting the specified requirements, Section 6009(a) of SAFETEA-LU does not require the U.S. DOT to re-open decisions already made concerning Section 4(f) impacts of individual projects. Project sponsors are encouraged to examine projects currently in the environmental process to see if any would benefit from application of the *de minimis* impact criteria, but the decision must be made on a case-by-case basis.

Question D. Can a *de minimis* impact finding be made for a project as a whole, where multiple Section 4(f) resources are involved?

Answer: No. Where multiple Section 4(f) resources are present in the study area and potentially used by a transportation project, *de minimis* impact findings must be made for the individual Section 4(f) resources. The impacts to Section 4(f) resources and any impact avoidance, minimization, and mitigation or enhancement measures must be considered on an individual resource basis and *de minimis* impact findings made individually for each Section 4(f) resource. However, when there are multiple resources for which *de minimis* impact findings are appropriate, the procedural requirements of Section 4(f) can and should be completed in a single process, document and circulation, so long as it is clear that distinct determinations are being made. Also in these cases, the written concurrence of the official(s) with jurisdiction may be provided for the project as a whole, so as long as the *de minimis* impacts findings have been made on an individual resource basis.

Question E. What role does mitigation play in the de minimis impact finding?

Answer: The *de minimis* impact finding is based on the degree or level of impact including any avoidance, minimization, and mitigation or enhancement measures that are included in the project to address the Section 4(f) use. The expected positive effects of any measures included in a project to mitigate the adverse effects of a Section 4(f) resource must be taken into account when determining whether the impact to the Section 4(f) resource is *de minimis*. The purpose of taking such measures into account is to encourage the incorporation of Section 4(f) protective measures as part of the project[7]. *De minimis* impact findings must be expressly conditioned upon the implementation of any measures that were relied upon to reduce the impact to a *de minimis* level. The implementation of such measures will become the responsibility of the project sponsor, with FHWA or FTA oversight[8].

Question F. How should the *de minimis* impacts to Section 4(f) resources be considered in the alternative selection process when all feasible and prudent alternatives result in Section 4(f) use?

Answer: For those situations in which multiple Section 4(f) resources will be used by a project and it has been determined that no feasible and prudent avoidance alternatives exist, the *de minimis* impacts of Section 4(f) resources must be factored into the analysis to determine which alternative results in the least overall harm as described in the FHWA Section 4(f) Policy Paper[9].

In most cases, the *de minimis* impacts will have little or no influence on the determination of overall harm because the activities, features and attributes of the Section 4(f) resources will not be adversely affected. Also, because potential adverse impacts to the Section 4(f) resources will be completely mitigated or enhanced by inclusion of such measures as part of the project in making *de minimis* impact findings, the Section 4(f) benefit should be included in the least harm analysis. Where it is not clear which alternative results in the least overall harm, consultation with the FHWA or FTA Headquarters or the FHWA or FTA Office of the Chief Counsel is recommended.

Question G. Can a *de minimis* impact finding be made for a "constructive use" of Section 4(f) property?

Answer: No. A *de minimis* impact finding can only be made where the transportation use would not adversely affect the activities, features, and attributes that qualify a property for protection under Section 4(f). Constructive use, by definition, involves impacts to a Section 4(f) resource such that the protected activities, features, and attributes would be substantially impaired [10]. Therefore, a *de minimis* impact finding would not be appropriate where there is a constructive use. Furthermore, if a potential constructive use can be reduced below a substantial impairment, with the inclusion of mitigation measures, then Section 4(f) would not apply.

Question H. Can a de minimis impact finding be made for a "temporary occupancy" of Section 4(f) property?

Answer: Yes. As long as the *de minimis* impact criteria are met, the impacts associated with a temporary occupancy of a Section 4(f) resource could be determined to be *de minimis*. It should be noted, however, that Section 4(f) does not apply to the temporary occupancy of Section 4(f) property when the conditions set forth in the FHWA and FTA Environmental Impact and Related Procedures[11] are satisfied. Therefore, application of the *de minimis* impact provision for these situations should only be considered when the project does not meet the temporary occupancy exception criteria.

Question I. Who makes the de minimis impact findings?

Answer: The FHWA Division Administrator or FTA Regional Administrator makes the *de minimis* impact findings. In the determination, FHWA or FTA shall consider any impact avoidance, minimization, and mitigation or enhancement measures that are included in the project to address the impacts and adverse effects on the Section 4(f) resource. The FHWA Division Administrator or FTA Regional Administrator must consider the facts supporting the determination of a *de minimis* impact, the record that was compiled in the coordination that must precede the determination of *de minimis* impact, the concurrence of the official(s) with jurisdiction, and use his or her own best judgment in making the *de minimis* impact finding. It is ultimately the responsibility of the FHWA or FTA to ensure that *de minimis* impact findings and required concurrences are reasonable.

Coordination with the FHWA or FTA Headquarters or the FHWA or FTA Office of the Chief Counsel is not required for routine *de minimis* impact findings but is recommended for controversial projects and complex situations.

2. De Minimis Impact Findings for Section 4(f) Uses of Historic Properties.

Question A. What are the requirements for a finding of de minimis impact on a historic site?

Answer: A finding of *de minimis* impact on a historic site may be made when:

- 1. The process required by Section 106 of the National Historic Preservation Act[12] results in the determination of "no adverse effect" or "no historic properties affected" with the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 consultation;
- 2. The SHPO and/or THPO, and ACHP if participating in the Section 106 consultation, is informed of FHWA's or FTA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination; and
- 3. FHWA or FTA has considered the views of any consulting parties participating in the Section 106 consultation.

Question B. How should the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 determination, be documented when the concurrence will be the basis for a *de minimis* finding?

Answer: Section 4(f)[13] requires that the SHPO and /or THPO, and ACHP if participating, must concur in writing in the Section 106 determination of "no adverse effect" or "no historic properties affected." The request for concurrence in the

Section 106 determination should include a statement informing the SHPO or THPO, and ACHP if participating, that the FHWA or FTA intends to make a *de minimis* finding based upon their concurrence in the Section 106 determination.

Under the Section 106 regulation, concurrence by a SHPO and/or THPO may be assumed if they do not respond within a specified timeframe, but Section 4(f) explicitly requires their written concurrence. It is recommended that transportation officials share this guidance with the SHPOs and THPOs in their States so that these officials fully understand the implication of their concurrence in the Section 106 determinations and the reason for requesting written concurrence.

Question C. Certain Section 106 programmatic agreements (PAs) allow the lead agency to assume the concurrence of the SHPO and/or THPO in the determination of "no adverse affect" or "no historic properties affected" if response to a request for concurrence is not received within a period of time specified in the PA. Does such concurrence through non-response, in accordance with a written and signed Section 106 PA, constitute the "written concurrence" needed to make a *de minimis* finding?

Answer: In accordance with the provisions of a written and signed programmatic agreement, if the SHPO and/or THPO does not respond to a request for concurrence in the Section 106 determination within the specified time, the non-response together with the written agreement, will be considered written concurrence in the Section 106 determination that will be the basis of the *de minimis* finding by FHWA or FTA.

FHWA or FTA must inform the SHPOs and THPOs who are parties to such PAs, in writing, that a non-response that would be treated as a concurrence in a "no adverse effect" or "no historic properties affected" determination will also be treated as the written concurrence for purposes of the FHWA or FTA *de minimis* impact finding. It is recommended that this understanding of the parties be documented by either appending the written notice to the existing PA, or by amending the PA itself.

Question D. For historic properties, will a separate public review process be necessary for the determination of a *de minimis* impact?

Answer: No. Section 6009(a) of SAFETEA-LU requires the U.S. DOT to consult with the parties participating in the Section 106 process but does not require additional public notice or opportunity for review and comment. Documentation of consulting party involvement is recommended. For projects requiring the preparation and distribution of a NEPA document, the information supporting a *de minimis* impact finding will be included in the NEPA documentation and the public will be afforded an opportunity to review and comment during the formal NEPA process.

3. De Minimis Impact Findings for Parks, Recreation Areas, and Wildlife and Waterfowl Refuges

Question A. What constitutes a *de minimis* impact with respect to a park, recreation area, or wildlife and waterfowl refuge?

Answer: An impact to a park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) resource, including consideration of impact avoidance, minimization, and mitigation or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). Language included in the SAFETEA-LU Conference Report[14] provides additional insight on the meaning of *de minimis* impact.

"The purpose of the language is to clarify that the portions of the resource important to protect, such as playground equipment at a public park, should be distinguished from areas such as parking facilities. While a minor but adverse effect on the use of playground equipment should not be considered a *de minimis* impact under section 4(f), encroachment on the parking lot may be deemed *de minimis*, as long as the public's ability to access and use the site is not reduced."

This simple example helps to distinguish the activities, features, and attributes of a Section 4(f) resource that are important to protect from those which can be used without resulting adverse effects. Playground equipment in a public

park may be central to the recreational value of the park that Section 4(f) is designed to protect. When impacts are proposed to playground equipment or other essential feature, a *de minimis* impact finding will, at a minimum, require a commitment to replace the equipment with similar or better equipment at a time and in a location that results in no adverse effect to the recreational activity. A parking lot encroachment or other similar type of land use, on the other hand, could result in a *de minimis* impact with minimal mitigation, as long as there are no adverse effects on public access and the official(s) with jurisdiction agree.

Question B. What are the requirements for a finding of *de minimis* impact with respect to a park, recreation area, or wildlife and waterfowl refuge?

Answer: The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Question C. What officials are considered to be "officials with jurisdiction" over a park, recreation area, or wildlife or waterfowl refuge for the purposes of the *de minimis* impact finding?

Answer: The officials with jurisdiction are the officials of an agency or agencies that own or administer a Section 4(f) property and who are empowered to represent that agency on related matters. In some cases, the agency that owns or administers the land has either delegated or relinquished its authority to another agency. In those cases, FHWA or FTA should review the applicable agreements to determine which agency or agencies have the authority to concur in the assessment of impacts to the property.

Question D. How should Section 6(f) of the Land and Water Conservation Fund Act (LWCFA) or other U.S. Department of Interior (DOI) grants-in-aid programs be treated in *de minimis* impact findings?

Answer: *De minimis* impact findings will satisfy Section 4(f) requirements only. For projects that propose the use of land from a property or site purchased or improved with funds under the LWCFA, the Federal Aid in Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Act (Pittman-Robertson Act), or other similar law, or the lands are otherwise encumbered with a Federal interest, coordination with the appropriate Federal agency is required to ascertain the agency's position on the land conversion or transfer. Other federal requirements that may apply to the Section 4(f) land should be determined through consultation with the officials with jurisdiction or appropriate DOI or other federal official. These federal agencies may have regulatory or other requirements for converting land to a different use. These requirements are independent of the *de minimis* impact finding and must be satisfied.

Question E. Is consultation with DOI routinely required for de minimis impact findings?

Answer: No. As a routine matter, FHWA and FTA do not need to consult with the DOI on *de minimis* impact findings. Where the Section 4(f) resource involved is owned or administered by the DOI, FHWA or FTA will need the written concurrence of the appropriate DOI official as the official with jurisdiction. If the Section 4(f) resource is encumbered with a Federal interest as a result of a DOI grant, then the answer to Question D applies.

Question F. Does the concurrence of the official(s) with jurisdiction over the Section 4(f) resource need to be in writing?

Answer: Yes. The concurrence of the official(s) with jurisdiction that the protected activities, features, and attributes of the resource are not adversely affected must be in writing. The written concurrence can be in the form of a signed letter on agency letterhead, signatures in concurrence blocks on transportation agency documents, agreements provided via email or other method deemed acceptable by the FHWA Division Administrator or FTA Regional Administrator. Obtaining these agreements in writing is consistent with effective practices related to preparing project administrative records.

Question G. What constitutes compliance with the public notice, review and comment requirements related to *de minimis* impact findings?

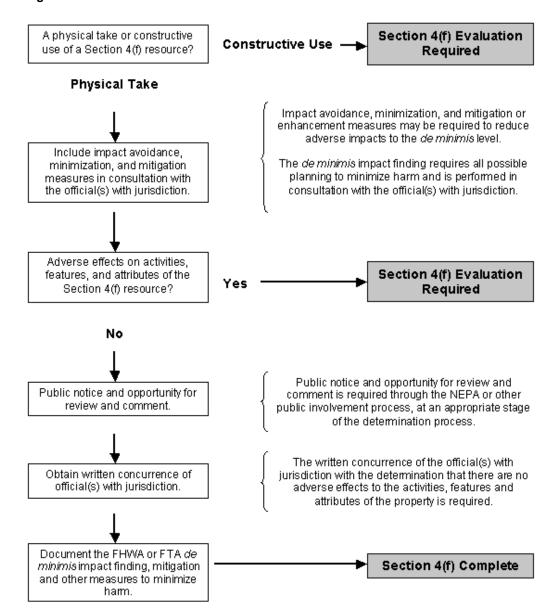
Answer: Information supporting a *de minimis* impact finding should be included in the appropriate NEPA document prepared for the project. This information includes, at a minimum, a description of the involved Section 4(f) resource(s), the impact(s) to the resources and any impact avoidance, minimization, and mitigation or enhancement measures that are included in the project as part of the *de minimis* impact finding. The public involvement requirements related to the specific NEPA document and process will, in most cases, be sufficient to satisfy the public notice and comment requirements for the *de minimis* impact finding.

In general, for highway projects, the public notice and comment process related to *de minimis* impact findings will be accomplished through the State DOT's approved public involvement process[15].

For those actions that do not routinely require public review and comment (e.g., certain categorical exclusions and reevaluations) but for which a *de minimis* impact finding will be made, a separate public notice and opportunity for review and comment will be necessary. In these cases, appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of the Section 4(f) resource(s), impacts and public interest.

All comments received and responses thereto, shall be documented in the same manner that other comments on the proposed action would be handled. Where public involvement was initiated solely for the purpose of a *de minimis* impact finding, responses or replies to the public comments may not be required, depending on the substantive nature of the comments. All comments and responses shall be documented in the administrative record.

Suggested Section 4(f) De Minimis Impact Determination Process for Parks, Recreation Areas, and Wildlife and Waterfowl Refuges



- [1] "Official(s) with jurisdiction" means the SHPO, THPO and ACHP, if participating in the consultation, for historic resources, and is defined in Question 3C for other Section 4(f) resources.
- [2] Black's Law Dictionary (8th ed. 1999) defines de minimis as 1. Trifling, minimal. 2. (Of a fact or thing) so insignificant that a court may overlook it in deciding an issue or case. 3. *De Minimis Non Curat Lex, The law does not concern itself with trifles.*
- [3] Section 6009 amends 49 U.S.C. § 303 and 23 U.S.C § 138; see specifically 49 U.S.C. § 303(d) and 23 U.S.C §138(b)
- [4] 16 U.S.C. 470f, with implementing regulation at 36 CFR part 800
- [5] 23 CFR 771.115
- [6] http://environment.fhwa.dot.gov/projdev/4fnspeval.htm
- [7] Conference Report of the Committee of Conference on H.R. 3, Report 109-203, page 1057.
- [8] 23 CFR 771.109(b)
- [9] March 1, 2005, pages 6, 7; http://www.environment.fhwa.dot.gov/projdev/4fpolicy.htm
- [10] 23 CFR 771.135(p)(2)
- [11] 23 CFR 771.135(p)(7)
- [12] 16 U.S.C. 470f, with implementing regulation at 36 CFR part 800
- [13] 49 U.S.C 303(d)(2)
- [14] Conference Report of the Committee of Conference on H.R. 3, Report 109-203, page 1057.
- [15] 23 CFR 771.111(h)(1))

This page last modified on December 19, 2005

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United States Department of Transportation - Federal Highway Administration

1. UNDERTAKING DESCRIPTION AND LOCATION								
District	County	Route (Local Agency)	Kilo Posts (Project prefix)	Post Miles (Project No.)	Charge Unit (Agreement)	Expenditure Authorization (Location)		
3	Placer	SR 28	14.79-16.53	9.19-10.27		EA 03-OC9300		

(Both kilometer posts and post miles must be completed above. For Local Assistance projects off the highway system, use headers in italics)

Project Description: (Insert project description below; refer reader to location and vicinity maps in HPSR)

Placer County and the Tahoe Regional Planning Agency (TRPA), in conjunction with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans), are currently evaluating alternate corridor improvements to approximately 1.6 kilometers (1 mile) of State Route 28 (SR 28) through Kings Beach, California, on the north shore of Lake Tahoe (Map 1). MACTEC Engineering and Consulting, Inc., was retained by Placer County to identify archaeological resources within the project area. The proposed project is considered a federal undertaking receiving federal funding; accordingly, this report provides assistance to the FHWA in meeting its regulatory requirements as set forth under the *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of Federal-Aid Highway Program in California (PA) (State of California 2004).*

The Kings Beach Commercial Core Improvement Project (CCIP) is located in Caltrans District 3 in Placer County, California, along both sides of SR 28 from Kilometer Post 14.79 to 16.53 (Post Mile 9.19 to 10.27). The CCIP area is located in portions of the West ½ of Section 19, T16N, R18E, Mount Diablo Baseline and Meridian (MDB&M) and the Northeast ¼ of Section 13, T16N, R17E, MDB&M. The entire project is portrayed on the United States Geological Survey (USGS) Kings Beach 7.5-minute topographic map (Map 2).

The CCIP is scheduled to occur within a developed section of Kings Beach, between SR 267 to the west and Chipmunk Street to the east. The southern boundary generally extends along Brockway Vista Avenue; the northern boundary extends diagonally west to east across Rainbow, Trout, Brook, and Salmon Avenues. The CCIP involves roadway improvements to SR 28 to accommodate anticipated future transit, pedestrian, and bicycle mobility while improving the aesthetic appearance of the Kings Beach SR 28 corridor. Grading depths for all alternatives are anticipated to be no more than 15.3 centimeters (6 inches) into native soil. Existing pavement, sidewalks, and driveways would be removed and replaced on new fill material with only minimal disturbance to native soil.

Four project alternatives are currently under consideration. Additional proposed project elements include the construction of on- and off-street parking to compensate for parking impacts along SR 28 that would result from the selection of Alternatives 2 through 4. The four project alternatives currently under consideration are described below.

- Alternative 1: No Action the existing roadway configuration remains unchanged.
- Alternative 2: SR 28 would be modified from a four-lane cross section roadway to a three-lane cross section roadway. One 3.6 m (11.8 ft) traffic lane would be provided each direction for the eastbound and westbound traffic, and two-way-left turn lane of the same width would also be included. Separate left turn lanes would be provided at the SR 267 (except in the westbound direction) and Deer Street intersections. Along the roadway, a single bike lane and a 2.4 m (7.9 ft) parking lane would be created in each direction. Additionally, a 2.9 m (9.5 ft) sidewalk and planting area would be installed along both sides of SR 28. Two roundabouts

would be created at the intersections of SR 28/Bear Street and SR 28/Coon Street. Enhanced and clearly marked pedestrian crossings at each intersection (SR 267, Secline Street, Deer Street, Bear Street, Coon Street, Fox Street, and Chipmunk Street) would be included as part of this alternative. Alternative 2 would have the option of reducing the sidewalk width on both sides by 0.6 m (2 ft). This 0.6m would be added to the parking and bike lane width through out the project. This option would be constructed to reduce the effect of the on street parking to through traffic.

- Alternative 3: SR 28 would include traffic lanes in each direction to just east of Fox Street; two 3.3-meter (10.8-foot) traffic lane in each direction. Between the Fox Street and Chipmunk Street intersections, SR 28 would become a three-lane roadway, with one traffic lane for each direction and a two-way-left-turn lane. Traffic signals would be installed at SR 267, Bear Street, Coon Street, and Chipmunk Street. Left turn lanes would be provided at SR 267, Bear Street, Fox Street, Coon Street and Chipmunk Street. A 1.5 m (4.9 ft) bike lane and 2.4 m (7.9 ft) parking lane would be created in each direction. Along the roadway, a 1.7 m (5.6 ft) sidewalk would be installed on both sides of SR 28. Enhanced and clearly marked pedestrian crossings at each intersection (SR 267, Secline Street, Deer Street, Bear Street, Coon Street, Fox Street, and Chipmunk Street) would also be included as part of this alternative.
- Alternative 4: SR 28 would be modified from a four-lane cross section roadway to a three-lane cross section roadway. One 3.6 m (11.8 ft) traffic lane would be provided each direction for the eastbound and westbound traffic, and two-way-left-turn lane of the same width would also be included. Separate left turn lanes would be provided at the SR 267 (except in the westbound direction) and Deer Street intersections. Along the roadway, a single 1.5 m (4.9 ft) bike lane would be created in each direction; however on-street parking would not be included in this alternative. Instead, a larger 5.3 m (17.4 ft) sidewalk and planting area would be installed along both sides of SR 28. Two roundabouts would be created at the intersections of SR 28/Bear Street and SR 28/ Coon Street. Enhanced and clearly marked pedestrian crossings at each intersection (SR 267, Secline Street, Deer Street, Bear Street, Coon Street, Fox Street, and Chipmunk Street) would also be included as part of this alternative.
- Alternative 5: SR 28 would be modified with two 3.6-meter (11.8-foot) traffic lanes in the westbound direction, a single 3.6-meter (11.8-foot) traffic lane in the eastbound direction, and a single 3.6-meter (11.8-foot) dual access center turn lane between SR 267 and Fox Street; a single 3.6-meter (11.8-foot) traffic lane in each direction and a single 3.6-meter (11.8-foot) dual access center turn lane; left turn lanes at the intersections of SR 28 with SR 267 and Deer Street; roundabouts at the intersections of SR 28/Bear Street and SR 28/Coon Street; a 2.4-meter (7.9-foot) parking lane in the westbound direction; a 1.5-meter (4.9-foot) bike lane in each direction; and a 2.3-meter (7.5-foot) sidewalk and planting area in each direction.

In addition, the three build alternatives would also involve minor partial takes of properties adjacent to the SR 28 Right of Way (ROW), as well as parcels for the potential parking lots. However, no building takes (including demolitions or relocations) would result from implementation of the build alternatives. To mitigate the loss of parking associated with the various build alternatives, it will be necessary to provide new parking spaces to a level sufficient to meet anticipated future demand. New parking spaces would be provided in a manner that addresses the parking requirements of each block affected in order to ensure that adequate parking conditions are maintained. Proposed parking elements are detailed on Map 3 (sheets 2-10).

2. AREA OF POTENTIAL EFFECTS

The Area of Potential Effects (APE) for the project was established in consultation with Jody Brown, Principal Investigator—Prehistoric Archaeology; Gail St. John, Principal Architectural Historian; and Rich Williams, Project Manager, in August 2006. The APE maps are attached as Map 3 (Sheets 1-10). The APE is of sufficient size to encompass the construction footprint of all proposed project alternatives and comprises a slightly larger area for historic architecture or the built environment than for archaeology. The archaeological APE includes all potential direct impact area parcels, while the architectural or built environment APE includes the direct impact parcels as well as a visual buffer of one additional parcel adjacent to those in impact areas.

3. CONSULTING PARTIES / PUBLIC PARTICIPATION

(For the following, check the appropriate line, list names, dates, and locations and results of contacts, as appropriate. List organizations/persons contacted and attach correspondence and summarize verbal comments received as appropriate.)

- X Local Government (Head of local government, Preservation Office / Planning Department)
 - Placer County Department of Public Works (Project Proponent); U.S. Forest Service Lake Tahoe Basin Mgt Unit June 2001
- X Native American Tribes, Groups and Individuals
 - Mr. Brian Wallace, Chairperson for the Washoe Tribe of Nevada and California was contacted by letter on June 15, 2005. Mr. Wallace was contacted by phone on December 8, 2005. A phone message was left, requesting that he call if he had any concerns about the project.
 - Mr. William Dancing Feather, Cultural Coordinator for the Washoe Tribe of Nevada and California, was contacted by letter on June 15, 2005, with a follow-up email on September 12, 2005. Vickie Clay (MACTEC) briefly discussed the project with Mr. Dancing Feather on November 4, 2005, at which time he saw no issues with the project.
 - Ms. Rose Enos was contacted by letter on September 12, 2005. During a follow-up phone call on December 8, 2005, she related that she had no concerns unless burials were encountered during construction. She asked to be immediately notified if burials were encountered.
- X Native American Heritage Commission
 - The Native American Heritage Commission was contacted by letter on August 22, 2005. Ms. Debbie Pilas-Treadway, Environmental Specialist III, replied on September 2, 2005. A records search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate area. The NAHC provided a contact list with the names and addresses of three individuals with possible further knowledge of cultural resources in the project area.
- X Local Historical Society / Historic Preservation Group (also if applicable, city archives, etc.)
 - Placer County Historical Society was contacted by letter on August 22, 2005, with a follow-up email on September 13, 2005; Nevada Historical Society June 2001; North Lake Tahoe Historical Society June 2005
- X Public Information Meetings (list locations, dates below and attach copies of notices)
 - 2000–2003; Kings Beach; numerous informational meetings were held by Placer County

Other

4. SUMMARY OF IDENTIFICATION EFFORTS

X National Register of Historic Places
 X California Register of Historical Resources
 Month & Year: 1979–2002 & supplements
 Year: 1992 & supplemental information to date

X California Inventory of Historic Resources Year: 1976

XCalifornia Historical LandmarksYear: 1995 & supplemental information to dateXCalifornia Points of Historical InterestYear: 1992 & supplemental information to dateXState Historic Resources CommissionYear: 1980-present, minutes from quarterly

meetings

X Caltrans Historic Highway Bridge Inventory

Year: 2003 & supplemental information to date

X Archaeological Site Records [List names of Institutions & date below]

- North Central Information Center; February 13, 2001
- North Central Information Center; October 5, 2005
- X Other sources consulted [e.g., historical societies, city archives, etc. List names and dates below]
 - U.S. Forest Service Lake Tahoe Basin Management Unit; June 2001
 - Nevada Historical Society; June 2001
 - University of Nevada, Reno Special Collections and Mines Libraries; June 2001
 - Nevada Bureau of Mines and Geology; June 2001
 - Vista Gallery-Lenz photograph and historic map collection, Kings Beach; June 2001–2005
 - North Lake Tahoe Historical Society; June 2005
 - California State Library; June 2005
 - Southern California Genealogical Society and Family Research Library; June 2005
 - Kings Beach property owners: Mr. Jack Felte, Ms. Katherine Felte, Ms. Mary Panelli, Mr. Leon Schegg, Mr. Douglas Taylor, Mr. John Wainscoat, and Ms. Julie Wainscoat; June 2001–2005
- **X** Results: (provide a brief summary of records search and research results, as well as inventory findings)
 - Results of 2001 and 2005 NCIC records searches (NCIC# PLA-01-10 and NCIC# PLA-05-142; attached as Appendix C in the ASR). Three previously recorded prehistoric sites and a prehistoric isolate were located within 1.21–1.61 kilometer (0.75–1.0 mile) of the CCIP APE: a lithic scatter and probable campsites (CA-PLA-9); a quartz quarry and bedrock mortars (CA-PLA-128); a notation for site 05-17-57-15 (no further information available); and an isolated projectile point (BRW-9). Eleven previously recorded historic cultural resources were located within 1.21-1.61 kilometer (0.75 to 1.0 mile) of the CCIP APE: a sawmill complex (05-19-252); a flagstone walkway and associated stone walls (KBP1); a motel complex (Map Reference #16, Sheet 20); two residences (Map Reference #15, Sheet 18); a portion of the original Stateline Lookout (05-19-642); a segment of earthen/rock flume bed with two rock/cement cisterns (05-19-702); a segment of the original road to Stateline Lookout (05-19-730); and four road segments with associated refuse deposits (05-19-732, -736, -771, and -772). The 1865 and 1875 GLO Plats for the project townships show some early roads, "Pine Grove Station," "Rickers House," and an unnamed house within the project APE and "Hot Springs Hotel" a short distance to the south. Fourteen surveys have been completed within 1.21–1.61 kilometer (0.75– 1.0 mile) of the APE: Bass (1980); Caltrans (2004); Dexter (1995a, 1995b); Dexter and Deis (1996); Gerike et al. (1994); Hoefer (1991); Kraushaar (1992); Lindström (1993b); Mariah Associates, Inc. (1993); Napton (1994); Reno (2001, 2002); and Woodward (1991). One section of SR 267 in the vicinity of Kings Beach is listed in the Office of Historic Preservation's Historic Property Directory (2005).
 - The attached Archaeological Survey Report (ASR) examined 27 parcels, the SR 28 right-of-way (ROW), and portions of the ROWs of several side streets within Kings Beach. One isolated artifact was found within the archaeological APE and was exempted from further evaluation under Attachment 4 of the PA, 2004.
 - The attached Historical Resources Evaluation Report identified 63 parcels containing buildings
 constructed prior to or during 1960 within the built environment APE. Of these, six properties are
 recommended eligible for the NRHP and the California Register.

5. PROPERTIES IDENTIFIED

(Check the appropriate category, list properties, or refer reader to appropriate technical study attached, according to their National Register status. Provide, as appropriate, complete address, period and level of significance, criteria, map reference, and any existing state or local designation. Do not include properties that are not within the APE. Attach previous SHPO determinations, as applicable.)

- No cultural resources in project APE.
- [Name], [Indicate whether person is Caltrans or consultant architectural historian or archaeologist], who meets the Professionally Qualified Staff Standards in Section 106 Programmatic Agreement (Section 106 PA) Attachment 1 as a(n) [Indicate applicable PQS level], has determined that the only other properties present within the APE meet the criteria for Section 106 PA Attachment 4 (Properties Exempt from Evaluation).
- Bridges listed as Category 5 in the Caltrans Historic Highway Bridge Inventory. Appropriate pages from the Caltrans Historic Bridge Inventory are attached.
- Properties previously determined not eligible (include date of determination):

X On behalf of FHWA, Caltrans has determined the following properties are not eligible:

- Stones County Tire; 8001 North Lake Blvd., Kings Beach, CA; map reference K1
- Kings Beach Library; 301 Secline St., Kings Beach, CA; map reference K2
- Torres Apartments; 8094 Rainbow Ave., Kings Beach, CA; map reference K3
- Little Bear Cottages; 8095 North Lake Blvd., Kings Beach, CA; map reference K4
- La Comunidad Unida; 8111 North Lake Blvd., Kings Beach, CA; map reference K5
- Caesar's Motel; 8123 North Lake Blvd., Kings Beach, CA; map reference K6
- Habeger Houses; 8173 North Lake Blvd., Kings Beach, CA; map reference K7
- Anderson House; 265 Deer St., Kings Beach, CA; map reference K10
- Hurtando Apartments; 325 Deer St., Kings Beach, CA; map reference K11
- Benning's Resort; 8315 Trout Ave., Kings Beach, CA; map reference K12
- Jameson Houses; 8333 Rainbow Ave., Kings Beach, CA; map reference K13
- Henderson House; 8363 Rainbow Ave., Kings Beach, CA; map reference K14
- Franklyn Lee House; 8368 Rainbow Ave., Kings Beach, CA; map reference K15
- Lake Air Resort; 265 Bear St. and 8385 Trout Ave., Kings Beach, CA; map reference K16
- Lofstead Houses; 8358 Trout Ave., Kings Beach, CA; map reference K17
- Glad-Lee Lodge; 268 Bear St., Kings Beach, CA; map reference K19
- Northwood Pines Motel; 8489 Trout Ave., Kings Beach, CA; map reference K20
- Kalange Apartments; 8448 Trout Ave., Kings Beach, CA; map reference K21
- La Mexicana Meat Market; 8515 Brook Ave., Kings Beach, CA; map reference K22
- Duzevich House; 8534 Trout Ave., Kings Beach, CA; map reference K23
- Going House; 8550 Trout Ave., Kings Beach, CA; map reference K24
- C. Smith Apartments; 8537 Brook Ave., Kings Beach, CA; map reference K25
- Old Post Office; 8401 North Lake Blvd., Kings Beach, CA; map reference K26
- Bruening Realty; 8470 Brook Ave., Kings Beach, CA; map reference K27
- Alpine Club/Tradewinds; 8545 North Lake Blvd., Kings Beach, CA; map reference K28
- Brevid House; 241 Coon St., Kings Beach, CA; map reference K29
- R. Barber Houses; 8673 Salmon Ave., Kings Beach, CA; map reference K30
- Schneider House; 8679 Salmon Ave., Kings Beach, CA; map reference K31
- S. Smith Buildings; 8675 North Lake Blvd., Kings Beach, CA; map reference K32
- Miniature Golf; 8681 North Lake Blvd., Kings Beach, CA; map reference K33

- S. Smith Apartments; 8684 Salmon Ave., Kings Beach, CA; map reference K34
- C. Smith House; 8771 North Lake Blvd., Kings Beach, CA; map reference K35
- Tacos Jalisco; 8717 North Lake Blvd., Kings Beach, CA; map reference K36
- Miller House; 8789 Minnow Ave., Kings Beach, CA; map reference K37
- Shoberg House; 8827 Minnow Ave., Kings Beach, CA; map reference K38
- Blue Waters Lodge; 221 Chipmunk St., Kings Beach, CA; map reference K39
- Gifford House; 8817 North Lake Blvd., Kings Beach, CA; map reference K40
- Eriksson House; 8129 Brockway Vista Ave., Kings Beach, CA; map reference K42
- Rasch House; 8317 Rainbow Ave., Kings Beach, CA; map reference K43
- Gold Crest Motel; 8194 North Lake Blvd., Kings Beach, CA; map reference K44
- Crown Motel; 8200 and 8226 North Lake Blvd., Kings Beach, CA; map reference K45
- Sun 'N Sand Motel; 8308 North Lake Blvd., Kings Beach, CA; map reference K46
- Mr. Video; 8612 North Lake Blvd., Kings Beach, CA; map reference K47
- Lakeside Gallery & Gifts; 8636 North Lake Blvd., Kings Beach, CA; map reference K48
- Dentraygues House; 8680 North Lake Blvd., Kings Beach, CA; map reference K51
- Rockwood Houses; 8669 Brockway Vista Ave., Kings Beach, CA; map reference K50
- Duggan Houses; 8675, 8677, and 8679 Brockway Vista Ave., Kings Beach, CA; map reference K52
- Smyly Houses; 8681 and 8685 Brockway Vista Ave., Kings Beach, CA; map reference K53
- M. Smith House; 8689 Brockway Vista Ave., Kings Beach, CA; map reference K54
- Golden Group & Quality Carpet Care; 8702 North Lake Blvd., Kings Beach, CA; map reference K55
- Dew-Mar Cottages; 8716 North Lake Blvd., Kings Beach, CA; map reference K57
- Stevenson's Holliday Inn; 8742 North Lake Blvd., Kings Beach, CA; map reference K58
- Ta-Tel Motel; 8748 North Lake Blvd., Kings Beach, CA; map reference K59
- Sierra TV & Launderette; 8762 North Lake Blvd., Kings Beach, CA; map reference K60
- Johnson Building; 8788 North Lake Blvd., Kings Beach, CA; map reference K61
- Sierra Pacific Coffee; 8790 North Lake Blvd., Kings Beach, CA; map reference K62
- Brockway Pines Motel; 8796 Brockway Vista Ave., Kings Beach, CA; map reference K63
- Caltrans, on behalf of FHWA, has determined that the following archaeological sites shall be considered eligible for the National Register without conducting subsurface testing or surface collection within the APE, for which the establishment of an ESA will protect the sites from any potential effects, in accordance with Section 106 PA Stipulation VIII.C. See attached documentation.

Properties previously listed or determined eligible (include date of listing or determination):

X On behalf of FHWA, Caltrans has determined the following properties are eligible:

- Blair's Cottages; 8199 North Lake Blvd., Kings Beach, CA; period of significance 1937-1960.
 Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C at the local level. map reference K8
- Fuhrmann Houses; 8220 and 8230 Rainbow Ave., Kings Beach, CA; period of significance 1935-1960. Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C. map reference K9
- Blue Lagoon Café: 8399 North Lake Blvd., Kings Beach, CA; period of significance 1937-1960.
 Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C. map reference K18
- Lanini House; 8080 North Lake Blvd., Kings Beach, CA; period of significance 1924-1960. Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C at the local level.map reference K41
- Welch Houses; 8659 Brockway Vista Ave., Kings Beach, CA; period of significance 1926-1960.
 Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C at the local level. map reference K49

- Evergreen Lodge; 8720 North Lake Blvd., Kings Beach, CA; period of significance 1937-1960.
 Eligible under NRHP Cr C, CRHR Cr 3, and TRPA Cr C at the local level. map reference K56
- State-owned historical buildings and structures to be added to the Master List, per PRC §5024(d):

•

State-owned buildings and structures that are **not eligible** for the National Register or as a State Historical Landmark:

•

6. LIST OF ATTACHED DOCUMENTATION

(Provide the author/date and peer reviewer/date of the technical report)

- X Project Vicinity, Location, and APE Maps
 - California Historic Bridge Inventory sheet
- X Historical Resources Evaluation Report (HRER)
 - John Snyder, Ron Reno, and Charles Zeier (2005); reviewed by Gail St. John (under separate cover)
- X Archaeological Survey Report (ASR)
 - Ron Reno and Vickie Clay (2005); reviewed by Richard V. Olson (under separate cover)
 - Archaeological Evaluation Report (CARIDAP, XPI, PII, PIII)

•

- X Other (Specify below)
 - August 22, 2005, letter to Native American Heritage Commission
 - August 22, 2005, letter to Placer County Historical Society
 - September 2, 2005, response letter from Native American Heritage Commission
 - September 12, 2005, letter to Ms. Rose Enos
 - June 15, 2005, letter to Mr. Brian Wallace, Chairperson for the Washoe Tribe of Nevada and California
 - September 12, 2005, e-mail to William Dancing Feather, Cultural Coordinator for the Washoe Tribe
 of Nevada and California
 - September 13, 2005, email to Placer County Historical Society

7. FINDINGS - HPSR to File

(Check all that apply. Do not transmit to SHPO; file copy to CCSO)

- No properties requiring evaluation are present within the project's APE.
- Properties previously determined not eligible in consultation with the SHPO, or formally determined not eligible by the Keeper of the National Register are present within the project's APE. Copy of SHPO/Keeper correspondence is attached.
- Properties previously determined eligible in consultation with the SHPO, or formally determined eligible by the Keeper of the National Register are present within the project's APE, but will not be affected by the undertaking. Copy of SHPO/Keeper correspondence is attached.
- Under the authority of FHWA, Caltrans has determined a Finding of No Historic Properties Affected, according to Section 106 PA Stipulation IX.A and 36 CFR 800.4(d)(1), is appropriate for this undertaking.

8. FINDINGS - HPSR to SHPO

(Check all that apply. Transmit to SHPO, copy to FHWA and CCSO)

Value of the authority of FHWA, Caltrans has determined that there are properties evaluated as a result of the project that are not eligible for inclusion the National Register within the project's APE. Under Section 106 PA Stipulation VIII.C, Caltrans requests SHPO's concurrence in this

- determination. (Please see properties listed in Section 5. "Properties Identified")
- <u>X</u> Under the authority of FHWA, Caltrans has determined that there are properties evaluated as a result of the project that are **eligible** for inclusion in the National Register within the project's APE. Under Section 106 PA Stipulation VIII.C, Caltrans requests SHPO's concurrence in this determination. (Please see properties listed in Section 5. "Properties Identified")
- Under the authority of FHWA, Caltrans has determined a Finding of No Historic Properties
 Affected, according to Section 106 PA Stipulation IX.A and 36 CFR 800.4(d)(1), is appropriate for this undertaking.
- Under the authority of FHWA, Caltrans has determined a Finding of No Adverse Effect with Standard Conditions - ESAs, according to Section 106 PA Stipulation X.B(2) and 36 CFR 800.5(b), is appropriate for this undertaking. (Include description of ESAs and enforcement measures below; attach ESA Action Plan as appropriate.)

Under the authority of FHWA, Caltrans has determined a **Finding of No Adverse Effect with Standard Conditions – Rehabilitation**, according to Section 106 PA Stipulation X.B(2) and 36 CFR 800.5(b), is appropriate for this undertaking. *[Name]*, who meets the Professionally Qualified Staff Standards in Section 106 PA Attachment 1 as Principal Architectural Historian, and has the appropriate education and experience, has reviewed the rehabilitation documentation and determined that the rehabilitation meets the <u>Secretary of the Interior's Standards for the Treatment of Historic Properties</u>. *(Include description of rehabilitation below or indicate below the title of the HPSR attachment that contains the description.)*

Findings for State-Owned Properties

- Caltrans has determined that there are **state-owned buildings and structures** within the project limits that meet **National Register and/or the State Historical Landmarks eligibility criteria** and requests that SHPO add such resources to the Master List of Historical Resources pursuant to PRC §5024(d).
- Caltrans has determined that this project will have **no effect/no adverse effect** to **state-owned archaeological sites**, **objects**, **districts**, **landscapes** within the project limits that meet National Register and/or State Historical Landmarks eligibility criteria and is providing notice and summary to SHPO pursuant to PRC §5024(f). (Indicate reference to Standard Conditions ESA above, or include description of proposed treatments, ESAs, protective covenants, etc., below or indicate below which HPSR attachment contains the description.)
- Caltrans has determined that this project will have no effect on state-owned buildings and structures within the project limits that meet National Register and/or State Historical Landmarks eligibility criteria and is providing notice and summary to SHPO pursuant to PRC §5024(f).
- Caltrans has determined that this project will have **no adverse effect** on **state-owned buildings and structures** within the project limits that meet National Register and/or State Historical Landmarks eligibility criteria. [Name of Caltrans PQS], [applicable PQS discipline/level] has reviewed the documentation and determined that it meets the <u>Secretary of the Interior's Standards for the Treatment of Historic Properties</u>. Caltrans is providing notice and summary to SHPO pursuant to PRC §5024.5. (Indicate reference to Standard Conditions Rehabilitation above, or include description of proposed repairs, rehabilitation, ESAs, protective covenants, etc., below or indicate below, which HPSR attachment contains the description.)
- Caltrans has determined that this project will have an adverse effect to state-owned archaeological sites, objects, districts, landscapes within the project limits that meet National Register and/or State Historical Landmarks eligibility criteria and is providing notice and summary to SHPO pursuant to PRC §5024(f). (Include below a description of alternatives considered and proposed mitigation measures, or indicate below which HPSR attachment contains the description.)

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- Caltrans has determined that this project will have an adverse effect on state-owned buildings and structures within the project limits that meet National Register and/or State Historical Landmarks eligibility criteria. Caltrans is providing notice and summary to SHPO pursuant to PRC §5024.5. (Include below a description of alternatives considered and proposed mitigation measures, or indicate below which HPSR attachment contains the description.)
- For state-owned qualified historical buildings and properties within the project limits, Caltrans has applied the California Historical Building Code (CHBC) to relevant sections of the current code(s) and/or standards and, if applicable, has consulted with the State Historical Building Safety Board (SHBSB) through its Executive Director pursuant to Health and Safety Code Section 18961 and its implementing regulations at California Code of Regulations Title 24 Part 8 Section8-103.2. [Indicate below whether use of current code(s) and standards adversely affected character-defining features of the property and describe the alternative solutions under the CHBC, or indicate below which HPSR attachment contains the description. If applicable, attach copies of correspondence with the SHBSB or its Executive Director.)

9. HPSR PREPARATION AND DEPARTMENT APPROVAL						
Prepared by (sign on line): District 3 Caltrans PQS/Generalist:	N/A [PQS level and discipline]	Date				
Prepared by: (sign on line)						
Consultant / discipline: Affiliation	Vickie L. Clay, RPA / Principal Archaeologist MACTEC, Carson City, NV	Date				
Reviewed for approval by: (sign on line)						
District 3 Caltrans PQS discipline/level:	Jody L. Brown, Chief, Team Tahoe Branch, PQS certification level; PI-Prehistoric Archaeology	Date				
Approved by: (sign on line)						
District 3 EBC:	[Environmental Branch name]	Date				

Attachment 1. Project Maps

